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## Community Development Department

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### Village of Westmont Planning and Zoning Commission March, 11, 2015 - Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, March 11, 2015 at 7:00pm, at the Westmont Village Hall, 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Ed Richard led in the following:

#### **(1) Call to Order**

**In attendance:** Chair Ed Richard, Commissioners Steve Fedeczko, Gregg Pill, Craig Thomas, Janis Bartel, Doug Carmichael, Village Attorney John Zemenak, Village Planner Jill Ziegler.

**Absent:** PZ Secretary Wallace Van Buren

#### **(2) Pledge of Allegiance.**

#### **(3) Swearing in of testifying attendees and reminder to sign in.**

#### **(4) Reminder to silence all electronic devices.**

#### **(5) Approval of Minutes**

#### **(6) Approval of Minutes of the February 11, 2015 meeting.**

Motion to approve the Minutes of the February 11, 2015 meeting.

Motion: Pill

Second by: Fedeczko

#### **VOTING--Minutes**

Pill--Present

Bartel--Yes

Carmichael--Yes

Fedeczko--Yes

Thomas--Yes

Richard--Yes

Motion passed.

#### **1. Open Hearing**

#### **Old Business**

**REQUEST TO CONTINUE:        PZ 14-030        Oak Creek Capital Partners regarding the property located at 515 64th Street, Westmont, Illinois 60559 for the following:**

(A) Map Amendment request to rezone 515 64th Street from R-1, Single Family Detached Residence Zoning District, to R-1A Single Family Detached Residence Zoning District.

(B) Preliminary Plat of Subdivision request to subdivide the subject lot into two (2) buildable lots.

Motion to continue this item to next meeting.

Motion: Thomas

Second by: Pill

**VOTING**

Pill--Yes

Bartel--Yes

Carmichael--Yes

Fedeczko--Yes

Thomas--Yes

Richard--Yes

Motion passed.

**New Business**

**PZ 15-006        Florence Dalton regarding the property located at 128 South Cass Avenue, Westmont, IL 60559 for the following:**

(A)        Special Use Permit request to operate a ground floor nail salon in the B-1 Limited Business District.

**PRESENTATION:** Florence Dalton presented that she is requesting a special use permit to open a nail salon in the downtown.

**PUBLIC COMMENT:** None.

**STAFF COMMENT:** Ziegler stated that this is a service use which is why it requires the permit, this would be a good use of a small vacant tenant space in this location. There are no parking issues.

**COMMISSIONER COMMENT:**

Bartel: supports it.

Thomas: seems to be a good location for it.

Pill: small space, seems to be a good use for it.

Fedeczko: fits well in location.

Carmichael: great fit.

Richard: agrees with fellow commissioners.

**FINDINGS OF FACT A:**

- (1) Yes-6; No-0
- (2) Yes-6; No-0
- (3) Yes-6; No-0
- (4) Yes-6; No-0
- (5) Yes-6; No-0
- (6) Yes-6; No-0

**MOTION A**

Motion to recommend to the Village Board of Trustees to approve a Special Use Permit request to operate a ground floor nail salon in the B-1 Limited Business District.

Motion by: Bartel  
Second by: Pill

**VOTING A**

Pill--Yes  
Bartel--Yes  
Carmichael--Yes  
Fedeczko--Yes  
Thomas--Yes  
Richard--Yes  
Motion passed.

**PZ 15-007      AutoNation on behalf of Audi of Westmont regarding the properties located at 200 and 276 East Ogden Avenue, Westmont, IL 60559 for the following in the B-2 General Business District:**

- (A)      Site and Landscaping Plan approval for a parking deck and building expansion.
- (B)      Zoning Code Variance Request to reduce the required rear yard setback in the B-2 General Business District for the purpose of constructing a parking deck.
- (C)      Zoning Code Variance Request to increase the allowed height in the B-2 General Business District for the purpose of constructing a parking deck.

**PRESENTATION:** Ted Ward, engineer working with AutoNation, reviewed existing conditions of the properties. The proposed design includes modifying existing building including demolition of one section and addition to other side of building. They are also proposing a parking deck, initially 2 stories with additional stories added later. Proposing garage because there is no additional area for parking. The first floor will be service, second and additional stories would be parking. The hardship is that the site is landlocked and cannot expand other than vertically. If this would be denied it would affect the business.

**PUBLIC COMMENT:** None.

**STAFF COMMENT:** The request currently is the four story deck even though initially they will

construct the two story deck. The economic development team has met with the engineer to discuss the concern about the property being landlocked, and staff would recommend more landscaping to the north.

**COMMISSIONER COMMENT:**

Carmichael: asked if the phase one would be covered and the timeframe. Reply: initial timeline is one year, which they could extend for one year, anticipate they will develop in that timeframe.

Fedeczko: there are no homes behind this area, does not see this as a bad impact.

Pill: asked about timeline, lighting, snow storage, exit. Reply: does not know the timeline, but would proceed as soon as approved. The upper deck they would use parking spaces for snow storage. The lighting is enclosed, they would have security lighting to Village requirements as well as upper deck, not looking for any overspill of lighting. There are no plans for additional exits or access. The garage would be constructed first to move the service area.

Thomas: likes the project.

Bartel: supportive of the project.

Richard: no further comments.

**FINDINGS OF FACT A, B, C:**

(1) Yes-6; No-0

(2) Yes-6; No-0

(3) Yes-6; No-0

**MOTION A**

Motion to recommend to the Village Board of Trustees to approve a Site and Landscaping Plan approval for a parking deck and building expansion.

Motion by: Pill

Second by: Fedeczko

**VOTING A**

Pill--Yes

Bartel--Yes

Carmichael--Yes

Fedeczko--Yes

Thomas--Yes

Richard--Yes

Motion passed.

**MOTION B**

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance Request to reduce the required rear yard setback in the B-2 General Business District for the purpose of constructing a parking deck.

Motion by: Carmichael

Second by: Thomas

#### **VOTING B**

Pill--Yes

Bartel--Yes

Carmichael--Yes

Fedeczko--Yes

Thomas--Yes

Richard--Yes

Motion passed.

#### **MOTION C**

Motion to recommend to the Village Board of Trustees to approve a Zoning Code Variance Request to increase the allowed height in the B-2 General Business District for the purpose of constructing a parking deck.

Motion by: Bartel

Second by: Fedeczko

#### **VOTING C**

Pill--Yes

Bartel--Yes

Carmichael--Yes

Fedeczko--Yes

Thomas--Yes

Richard--Yes

Motion passed.

**PZ 15-008 Village of Westmont regarding the property located at 415 Brookside Drive, Westmont, IL 60559 for the following:**

(A) Preliminary Plat of Subdivision request to split one lot into two lots in the R-3 Single Family Detached Residence District.

**PRESENTATION:** Ziegler presented a subdivision request for the Village to subdivide to sell off for a buildable lot and use proceeds to make creek improvements where there has been flooding in the past. Engineer has reviewed plans and they meet all plot requirements.

**PUBLIC COMMENT:** David and Mary Wisnewitz live near the lots and are concerned about the flooding that currently happens. Inquired about construction contributing to additional flooding problems. It was mentioned that there was no notification about the development other than posting on the tree. They would like guarantees that their property will not be affected.

**STAFF COMMENT:** Ziegler stated that staff would set up a meeting between the planning engineer and the neighbors to explain the plans and the improvement. There is a maximum lot coverage that the developer could improve for the lot. The buildable lot is not located in the flood plain. The attorney mentioned that this notice was posted with a sign on the property and is not required to be published because the proposal is only to divide an existing lot into two lots. Noted that public works improvements would include erosion and sedimentation.

**COMMISSIONER COMMENT:**

Pill: verified their location. Commented that the intent is that this is a very good project but need to make sure that it does not impact another homeowner.

Fedeczko: concerned that builder may take out soil to reduce the hill that is currently there so that there is no possibility of affecting the water runoff to make it worse.

Carmichael: looked at site, agrees that builder should not grade down the hill, engineering has to be approved.

Richard: commented that the pond is doing what it is made to and staff will set up a meeting with engineer. Commented that he does not think house would contribute adding a house to hill would increase water flow below it. The problem is further north. Commented that he wished that the lot would be attached with special comments to not affect water problems in area. Attorney reply: must meet engineering and county stormwater requirements, has been in works for many years to do creek stabilization.

Bartel: feels that it would make sense to have the meeting, and thinks that sale of land to improve the creek problem is the right way to go.

Thomas: encouraged residents to attend meeting and the Village board meeting.

**FINDINGS OF FACT A:**

(1) Yes-6; No-0

(2) Yes-6; No-0

(3) Yes-6; No-0

**MOTION A**

Motion to recommend to the Village Board of Trustees to approve a Preliminary Plat of Subdivision request to split one lot into two lots in the R-3 Single Family Detached Residence District.

Motion by: Bartel

Second by: Fedeczko

**VOTING A**

Pill--Yes

Bartel--Yes

Carmichael--Yes

Fedeczko--Yes

Thomas--Yes

Richard--Yes

Motion passed.

**PZ 15-009**      **Village of Westmont regarding a Zoning Code text amendment for sign regulations as follows:**

(A)            Amend Appendix A, Article XI of the Westmont Zoning Code regarding amendments to the Village of Westmont Sign Code.

**PRESENTATION:** Ziegler presented that staff is looking to become less restrictive in the sign code due to advances in technology. Presented comparisons from other local communities. Also recommending a larger sign area, increasing from 40% to 60% and allowing more color and graphics. Previous signs would be grandfathered in and current signs would be allowed same flexibility. Introduced Joe Hennerfeind who is a building code employee in the Village, and found electronic signs were out of compliance and received complaints that Westmont was more restrictive, so they researched. There were 3 municipalities that prohibited electronic signs, but the other 7 allowed, the biggest difference being the hold times of the messages. After discussion they arrived at 10 seconds, there is safety concerns that were taken into consideration so people are not distracted. Reviewed modifications and minor tweaks with wording and restrictions on message holds, colors, and coverage of message. Discussed temporary banner fee of \$50. Discussed conflict in code of time period, change both instances in code to 60 days.

**PUBLIC COMMENT:** Alan Welch, representative of Auto Zone, Duke of Oil, agrees that 10 seconds is a reasonable amount of time and that the 30 seconds are too long for proposed adjustments.

Frank Trilla, King Car Wash and wife Laura, Papa Passeros, both of which have electronic signs are in support of the changes, thinks it is very pro business.

Jay, director of Uncle Bubs, very in favor of the new changes, and feels that it will definitely be better for businesses. Uncle Bub's will also be willing to post community messages as well.

**STAFF COMMENT:** Ziegler mentioned existing signs that are not in compliance would be grandfathered in to new regulations. Received message from one sign owner requesting message reduction to 1-2 seconds instead of 10 seconds.

**COMMISSIONER COMMENT:**

Carmichael: thanked public for comments, in support of changes. Inquired about pole signs and brightness factors.

Fedeczko: mentioned that he did his own test and how long it takes to read a sign. 10 seconds seems good, but would be supportive of 8 as well.

Pill: commented that if 100% non compliance feels that supports that there is something wrong with an ordinance. Thinks that the electronic signs are more beautiful and that they are not a safety factor. He would support 5 second messages. Suggested future would be monument signs, and would allow greater coverage in the future. Asked for clarification on the fees. Staff reply: used to require a fee for banners and going to a flat fee and just adjusting the wording in code, existing sign code fees are not changing. Commented on banner charges being a slippery slope on the charges for banners.

Thomas: concerns about looking like Vegas, but feels that Village may have been too conservative so is in agreement with changes.

Bartel: important to have a consistency with signs, supports the monuments and agrees with grandfathering in the existing signs. Does not have a strong feeling on the message hold time.

Richard: inquired about whether Westmont has any large pole signs. Reply: no billboards are allowed except along Route 83). Mentioned trend even by McDonalds communities only allowing monument signs. Does not support anything less than 5 seconds.

**MOTION A**

Motion to recommend to the Village Board of Trustees to Amend Appendix A, Article XI of the Westmont Zoning Code regarding amendments to the Village of Westmont Sign Code.

Motion by: Fedeczko

Second by: Carmichael

Question on the Motion: Commissioner Pill commented that there are varying opinions on some parts of the draft. Attorney messaged you can motion as is, or add additional motions to sections, or table and work on a consensus for next month.

**VOTING A--Amendment as Drafted.**

Pill--Yes

Bartel--Yes

Carmichael--Yes

Fedeczko--Yes

Thomas--Yes

Richard--Yes

Motion passed.

**Motion to adjust the time of the message hold to 5 seconds and on monument signs for coverage up to 75%.**

Motion: Pill

Motion: Bartel

**VOTING Additional--Message and coverage**

Pill--Yes

Bartel--Yes

Carmichael--Yes

Fedeczko--Yes

Thomas--Yes

Richard--Yes

Motion passed.

**Motion that banners are at no charge and duration of 90 days.**

Discussion: Attorney mentioned there is staff fees and abuse of these banners, so a fee may be reasonable based on history.

**Motion changed to \$25 banner fee and duration of 90 days.**

Discussion: Fedeczko asked if the motion could be split. Inquired about the number of banners that are not in compliance. Reply: there is a \$250 bond to ensure that the businesses follow guidelines and remove accordingly.

Motion: Pill

Motion: Bartel

**VOTING Additional--Banner Fee and Duration**



Pill--Yes  
Bartel--Yes  
Carmichael--Yes  
Fedeczko--Yes  
Thomas--Yes  
Richard--No  
Motion passed.

Ziegler asked to recognize Commissioner Pill for ten years of service.

**(8) Motion to adjourn.**

Motion by: Thomas

Second by: Pill

**Meeting adjourned 8:33 pm.**